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REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 28-31, 33 and 34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,958,576 to Komiya (hereinafter "Komiya"). Additionally, the Examiner rejects claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Komiya in view of U.S. Patent No. 6,814,742 to Kimura et al., (hereinafter "Kimura").

In response, claims 28-34 have been canceled thereby rendering the rejections thereof moot. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 28-34 under 35 U.S.C. §§ 102(b) and 103(a).

However, new claims 35-54 have been added to further define the patentable invention.

Independent claims 35 and 45 recite a clipping device which is "disposable" and that "the coupling member is nondetachably fixed to the actuating wire, and when the clip clips tissue, the clipping member is rendered irreclaimable or deformed into an irreclaimable state while being kept fixed with the actuating wire, released from the clip unit, and remains at the distal end of the actuating wire."

Because of the feature "the coupling member is nondetachably fixed to the actuating wire, and when the clip clips tissue, the clipping member is rendered irreclaimable or deformed into an irreclaimable state while being kept fixed with the actuating wire, released from the clip unit, and remains at the distal end of the actuating wire," the clipping device is intentionally configured such that the clip unit cannot be attached to the coupling member again. To clarify this feature, claims 35 and 45 recite that the clipping device is

disposable. For this reason, the quality of the clipping device is ensured without checking whether the clipping device has been reliably cleaned or sterilized, or whether there is a structural defect due to a force applied to the clipping device. Therefore, it is possible to positively prevent infectious diseases caused by insufficient cleaning or sterilization, or troubles caused by a structural defect during use.

In the case of a reusable clipping device (unlike the disposable clipping device of claims 35 and 45), even if the cleaning and sterilization is unsatisfactory or a structural defect arises after one or a plurality of uses, the user may use the clipping device again without noticing the problem.

In contrast, the clipping device recited in claims 35 and 45 is disposable, in which the coupling member remains nondetachably fixed to the distal end of the actuating wire while the clipping member is rendered irreclaimable or deformed into an irreclaimable state. Therefore, reuse in an unclean or unsatisfactory condition can be prevented.

New claims 35-54 are fully supported in the original disclosure, such as in the specification at page 16, lines 1-4 and in the Drawings at Figure 4. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 35-54.

In Komiya, the hook member, corresponding to the coupling member of claims 35 and 45, remains at the distal end of the wire (FIG. 4 and column 5, lines 26-27). However, the hook member itself is not deformed, and a new clip member can be attached to the hook member. Therefore, it is impossible to guarantee the quality, ensuring that the clipping device has been reliably cleaned or sterilized, or contains no structural defect.

In EP 0738501, the coupling plate, corresponding to the coupling member of claims 35 and 45 of the present application, remains (see FIGS. 15B and 15C), and the hook

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of the coupling plate is deformed. However, the coupling plate is detachably connected to the pin of the hook at the distal end of the operating wire. Therefore, the clipping device can be reused by attaching the cassette-type clip unit including the coupling plate again to the pin of the hook. Accordingly, it is impossible to guarantee the quality, ensuring that the clipping device has been reliably cleaned or sterilized, or contains no structural defect.

In U.S. 5,766,189, the coupling plate corresponding to the coupling member of claims 35 and 45 remains (see FIG. 7), and the hook portion of the coupling plate is deformed. However, the coupling plate is detachably connected to the pin of the retainer at the distal end of the operating wire. Therefore, the clipping device can be reused by attaching the clip unit including the clipping plate again to the pin of the retainer. Accordingly, it is impossible to guarantee the quality, ensuring that the clipping device has been reliably cleaned or sterilized, or contains no structural defect.

As described above, each of Komiya, EP 0738501 and U.S. 5,766,189 disclose a clipping device of the type that can be reused after cleaning or sterilization, and not a disposable clipping device as recited in claims 35 and 45 of the present application whose quality is guaranteed.

Thus, Applicants submit that independent claims 35 and 45 patentably distinguish over the prior art and are allowable and that claims 36-44 and 46-54 are at least allowable as being dependent therefrom.

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In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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